

## MINUTES OF BENTON COUNTY QUORUM COURT

**March 20, 2014**

A regular meeting of the Benton County Quorum Court was held on Thursday, March 20, 2014 at 6:00 p.m. at the Benton County Administration Building, 215 East Central Avenue, Bentonville, Arkansas, pursuant to proper call and notice.

County Judge Robert D. Clinard called the meeting to order.

County Clerk Tena O'Brien called roll as follows:

14 JPs Present: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,  
Sandlin, Anglin, Chiocco, Curry, Carr, Meyers, Moehring  
1 Absent: \*Moore

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag. Jeff Odom of the Word of Life Church led the prayer.

### **CHANGES TO THE AGENDA:**

JP Allen made motion to amend the agenda to add two items at the beginning of the agenda; an appropriation ordinance request to replace the boiler system in the County Jail, and a request from the Sheriff's Office to use the \$14,000 from a line item in the budget to purchase a pressure washer, to purchase a vehicle and with a trade-in, there will be no extra money required, seconded by JP Jones.

Motion passed by unanimous voice vote.

\*JP Moore entered the meeting.

### **MINUTES:**

JP J. Harrison made motion to approve the minutes of the February 27, 2014 Quorum Court Meeting as distributed, seconded by JP Sandlin.

There being no discussion a roll call vote was recorded as follows:

15 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,  
Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers, Moehring

Minutes approved.

**ELECTED OFFICIALS REPORTS:**

None

**COUNTY JUDGE'S REPORT:**

County Judge Bob Clinard reported that: 1) Courthouse Feasibility discussions are ongoing and when they determine what they need, they will bring to the court for more discussion; 2) the Benton County Rogers Office Building (BCRO) is now open; 3) FEMA flood damage repair is ongoing, and they have not yet received the FEMA bridge damage reports and project worksheets of their estimates of the damage; 4) the March County Property Disposal Report is complete; 5) Fisher Ford Bridge and Colonel Meyers Bridge are under construction; 6) and construction on Windmill Road is ongoing.

**COMMITTEE REPORTS:**

JP Carr reported that the Public Safety Committee had met and that they are still actively seeking a solution for funding Emergency Medical Services (EMS).

County Judge Bob Clinard stated that he had been contacted by a representative from American Medical Response Company (AMR) that primarily does patient transport but does some emergency transport. He stated that they will be here next week to talk to us about emergency medical services.

JP Allen stated that the Finance Committee had met and lengthy discussion was held on how to fund Emergency Medical Services (EMS). He added that they talked about a hiring freeze, but that was not something everybody wanted to do. He stated that the sales tax revenue is down 7.25% year to date.

**PUBLIC COMMENTS:**

None

JP J. Harrison made motion to suspend the rules and read all ordinances and resolutions by title only, seconded by JP Carr.

There being no discussion a roll call vote was recorded as follows:

15 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,  
Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers, Moehring

Motion passed.

**OLD BUSINESS:**

- (A) Second Reading of a Proposed Ordinance to Set the Per Diem for Justices of the Peace Attending Meetings of the Quorum Court; Sponsor: JP Joel Jones.

County Attorney George Spence stated that Item "A" has had a slight change in Article 5 since it was approved last month and explained that the effective date has been corrected in the proposed ordinance. He explained that the date allowed by law for the ordinance to become effective is 30 days after the publication date; this proposed ordinance contains the correct date, but that they need to amend the ordinance to accept the new effective date. He

suggested that they put the ordinance on second reading, so that it will not be held up another month.

JP Allen made motion to amend the proposed ordinance to accept the change for the effective date to “30 days after the publication date,” seconded by JP J. Harrison.

Motion to amend, carried by voice vote.

JP Curry made motion to place the proposed ordinance as amended on second reading, seconded by JP Jones.

Motion passed by voice vote.

1 Nay: Chiocco

County Attorney George Spence read the proposed ordinance by title only.

JP Jones made motion to approve the proposed ordinance, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

15 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,  
Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers, Moehring

Second reading passed.

**NEW BUSINESS:**

- (1a) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2013-83 (2014 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 0418, Jail, Maintenance Fine Fund, Fund 3017: Sponsor JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen made motion to adopt, seconded by JP Jones.

County Judge Bob Clinard stated this proposed appropriation ordinance is to replace the current boiler that has failed several times and has required constant maintenance. He stated that a pressure regulator in the gas valve system failed and high pressured the gas in the broiler. He stated that the county has an insurance claim pending over the boiler’s failure, which will offset some of the costs.

After some discussion was held on replacing the new boiler system in the county jail, a roll call vote was recorded as follows:

15 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers, Moehring

Appropriation duly adopted and assigned **No. O-2014-17.**

(1b) Discussion – Sheriff’s Office – Vehicle purchase

Comptroller Sarah Wilson stated this request is not to move funds as they will stay in capital but this is just to redirect what the funds are to be used for. She stated that an informal vote will be sufficient to give him permission to utilize funds differently than budgeted.

Chief Deputy Rob Holly stated that they are requesting permission to use the funds that was originally budgeted to purchase a washer, now the request is to purchase a new vehicle, and that with a trade-in there is no new money required.

JP Allen stated this is just to give direction to the Sheriff’s Office on whether the court approves this purchase.

Motion passed by unanimous voice vote.

(A) Proposed Resolution Confirming the County Judge’s Appointment of Alicia N. Tilghman to the Benton County Historical Preservation Commission; Sponsor: JP Patrick Carr.

County Attorney George Spence read the proposed resolution by title only.

JP Carr made motion to adopt, seconded by JP J. Harrison.

There being no discussion, a roll call vote was recorded as follows:

15 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers, Moehring

Resolution duly adopted and assigned **R-2014-07.**

(B) Proposed Resolution to Amend Resolution No. R-2013-29 to Provide for the Interim Filling of a Vacancy in the Office of Benton County Sheriff during Times of Emergency and for Other Purposes; Sponsor: JP Tom Allen.

County Attorney George Spence read the proposed resolution by title only.

JP Allen made motion to adopt, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

15 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers, Moehring

Resolution duly adopted and assigned **R-2014-08**.

- (C) Proposed Resolution Authorizing the Application for a Grant and Participation in FY2014 Drug Court Enhancement Grant Program Available Through the U.S. Department of Justice; Sponsor: JP Joel Jones.

County Attorney George Spence read the proposed resolution by title only.

JP Jones made motion to adopt, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

15 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers, Moehring

Resolution duly adopted and assigned **R-2014-09**.

- (D) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2013-83 (2014 Benton County Budget) To Amend *Schedule 1 – Revenues by Fund* to Create a New Revenue Line Item in Department 0801, Fund 1000, to be Named “State Grants Revenue”, and to Appropriate Additional Monies and Authorize Additional Expenditures Therein; Sponsor: JP Joel Jones

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Jones made motion to adopt, seconded by JP Anglin.

There being no discussion, a roll call vote was recorded as follows:

15 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers, Moehring

Appropriation ordinance duly adopted and assigned **O-2014-18**

- (E) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2013-83 (2014 Benton County Budget) To Create a New Fund to be Named “FY2013 Adult Drug Court Discretionary Grant Fund” and Numbered No. 3740 in Department 0414, Juvenile Court Div. 3; to Amend *Schedule 1 – Revenues by Fund* to Reflect an Increase in Revenues, and to Appropriate Additional Monies and Authorize Additional Expenditures Therein; Sponsor: JP Barry Moehring

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Moehring made motion to adopt, seconded by JP Curry.

There being no discussion, a roll call vote was recorded as follows:

15 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers, Moehring

Appropriation ordinance duly adopted and assigned **O-2014-19.**

- (F) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2013-83 (2014 Benton County Budget) to Create a New Fund to be Named “Maysville Community Center GIF Grant Fund” and Numbered No. 3650 in Department 0100, County Judge; To amend *Schedule 1 – Revenues by Fund* to Reflect an Increase in Revenues; and to Appropriate Additional Monies and Authorize Additional Expenditures Therein; Sponsor: JP Steve Curry

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Curry made motion to adopt, seconded by JP Anglin.

There being no discussion, a roll call vote was recorded as follows:

15 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers, Moehring

Appropriation Ordinance duly adopted and assigned **O-2014-20.**

- (G) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2013-83 (2014 Benton County Budget) to Amend *Schedule 1 – Revenues by Fund* by Authorizing a Transfer from County Clerk Cost Fund, Fund 3005, to County General Fund 1000, and Authorizing a Transfer Between Categories and Line Items and Authorizing Expenditures Listed Herein; Sponsor: JP Jay Harrison.

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP J. Harrison made motion to adopt, seconded by JP Carr.

There being no discussion, a roll call vote was recorded as follows:

15 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers, Moehring

Appropriation Ordinance duly adopted and assigned **O-2014-21.**

- (H) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2013-83 (2014 Benton County Budget) to Amend *Schedule 4 – Personnel and Compensation Authorization* by Adding a Position and Deleting a Position in Department 0104, Collector, Fund 1801; Sponsor: JP Shirley Sandlin.

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Sandlin made motion to adopt, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

15 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers, Moehring

Appropriation Ordinance duly adopted and assigned **O-2014-22**.

- (I) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2011-61 (2012 Benton County Budget) Amending *Schedule 1 – Revenues by Fund* by Authorizing a Transfer from General Fund 010, to Capital Projects, Fund 440; Sponsor: JP Joel Jones.

County Attorney George Spence read the proposed appropriation ordinance by title only.  
JP Jones made motion to adopt, seconded by JP Chiocco.

There being no discussion, a roll call vote was recorded as follows:

15 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers, Moehring

Appropriation Ordinance duly adopted and assigned **O-2014-23**.

#### **Other Business:**

None

#### **Announcements:**

JP Allen stated he was asking for suggestions for the next Legislative Committee agenda. He stated that the next Legislative Session starting January 2015 is a full session, and that anything can be discussed. He stated that he was going to start contacting the various State Representatives and Senators to let them know that we need to meet with them.

JP Curry stated that he would like to see the state mandate ambulance services to respond to emergency calls regardless of whether they are being paid by the county or other entities. He stated that we need something that says that “a life is more important than money.”

JP Meyers stated that currently by court order the Sheriff’s Office destroys all fire arms that are confiscated, and that they should not be destroyed, they should be auctioned or sold.

JP Moehring stated that he would like the county to ask for a higher per diem for housing state inmates.

JP Harrison stated that he would like to repeal the formula for the percentage of road tax received, and restructure the distribution for sales tax.

JP Chiocco stated that she would like an Attorney General's opinion to define the Emergency Medical Services law.

JP Sandlin stated with regard to Emergency Medical Services she would like to see state law limit the ability of ambulance service providers to seek payment from anyone other than patients.

JP Hernandez stated that the state should adopt the Ticketing Aggressive Cars and Trucks (T.A.C.T.) program.

JP K. Harrison stated that at this time, we cannot collect jail fees for housing state prisoners until 30 days after they have been convicted, and the state should start paying for housing state prisoners from the day that they are convicted, or sooner than when the current law allows.

County Judge Bob Clinard suggested that they should phase in increasing fees for housing city and state inmates.

**Announcements:**

County Judge Bob Clinard stated that he was pleased with the preliminary report of the legislative audit. He stated that a full time security deputy officer will be staffed at the Benton County Rogers Office (BCRO).

**Adjournment:**

There being no further business to come before the court, upon motion and second the meeting was adjourned at 7:10 p.m.

Respectfully submitted,

Tena O'Brien  
County Clerk  
Prepared by Janet Reaves